

UNITED STATES DISTRICT COURT

for the
3rd District of PA

Middle Division

Elaine Ettore

Case No.

1:24-CV-463

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ No

County of York, PA; Northern York County Regional Police Dept. Chief David L. Lash; NYCRPD Cpl. Erika Eiker; NYCRPD Officer John Doe 1; York County D.A. David Sunday; Joshua Baran, Esq.; Primecare Medical;

Johnnie Brit, Jr. Defendant(s) York County Sheriff's Dept. Deputies John Doe 1, 2, & 3
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
HARRISBURG, PA

MAR 18 2024

PER

DEPUTY CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Elaine Ettore		
Address	1734 Temple Avenue		
	Lancaster	PA	17603
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Lancaster		
Telephone Number	(717) 693-3687		
E-Mail Address	ekeno@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	York County		
Job or Title <i>(if known)</i>			
Address	28 E. Market Street		
	York	PA	17401
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	York		
Telephone Number	(717) 771-9964		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Northern York County Regional Police Chief David L. Lash		
Job or Title <i>(if known)</i>	Chief of Police		
Address	1445 E Canal Rd.		
	Dover	PA	17315
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	York		
Telephone Number	(717) 292-3647		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name Erika Eiker
 Job or Title (if known) Police Corporal
 Address 1445 E. Canal Rd.
 Dover PA 17315
 City State Zip Code
 County York
 Telephone Number (717) 292-3647
 E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name John Doe 1
 Job or Title (if known) Police Officer - NYCRPD
 Address 1445 E. Canal Rd
 York PA 17315
 City State Zip Code
 County York
 Telephone Number (717) 292-3647
 E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

- B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? 4th Amendment of U.S. Constitution, and state and federal constitutional rights to due process and state constitutional rights to privacy and reputation. 5th Amendment right against self-incrimination, 5th Amendment - Cruel and unusual punishment to force a cancer patient into handcuffs & shackles until a needle is stuck in her arm by an untrained cop & forced into crowded jail cell with unmasked inmates during Covid. 14th Amendment right to due process and equal protection. Also, Americans with Disabilities Act as I asked for accommodation.
- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Defendants - Cont'd

Defendant 5

David Sunde, Esq.

District Attorney - York County, Pa

45 N. George St.

York, Pa. 17401

Being sued in Official Capacity

Defendant 6

Joshua Baran, Esq.

Assistant District Attorney - York County

45 N. George St.

York, Pa 17401

Defendant 7 + 8

Primecare Medical, ^{inc.}

Johnnie Britt, Jr.

3940 Locust Ln.

Harrisburg, Pa 17109

Sued in official
and personal capacities

Defendants 9, 10, 11, 12

York County Sheriff's Dept + John Does 1, 2 + 3

45 N. George St. York, Pa 17401

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Sued in their official
Capacity.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Shackled me without probable cause after John Doe pulled me over without probable cause & would not release me until I was forced to submit to a warrantless blood draw even after telling her I was fully disabled by stage 4 cancer. D.A. Sunday, acting under color of law brought charges despite the obvious

- III. **Statement of Claim** Violation of my rights. York County endorses the ADA discrimination in order to obtain federal funding for its "traffic safety" initiative. State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Arsenal Road and N. George St., York, Pennsylvania
- B. What date and approximate time did the events giving rise to your claim(s) occur?
March 18, 2022 @ 12:23 a.m.
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
I was pulled over by Northern York County Regional Police Officer John Doe 1 after making a complete stop at a red light and committing no traffic infraction. Corporal Erika Eiker joined in the stop. The other officer left and Corporal Eiker lied about why I was pulled over. I immediately told her I was very ill with Stage 4 cancer and had recently undergone surgery, that I was very tired and wanted to go home (20-miles away). I was, in no way, under the influence of drugs or alcohol, nor did I exhibit any signs of such. She handcuffed me and put me in a patrol car, even though I told her I would not submit to a blood test ("Nobody puts needle in me except my doctor's at Johns Hopkins") transported me to "central booking", where I was immediately put in shackles and harassed for approximately three hours before I finally submitted to a warrantless blood draw, because I was promised I could go home after I let Johnnie Britt Jr, - who has no medical training or license - to take blood from my arm with a needle. I was then placed in an enclosed jail cell while the paperwork was filled out, while sheriff's deputies ignored my cries that I cannot be enclosed spaces with people without masks. The court ~~threw out~~ ^{suppressed} the blood test as unconstitutional, but my nightmare was only beginning as police, the district attorney, my York County public defenders and the trial court judges worked favorably to cover up this blatant and discriminatory violation of my 4th 5th 8th & 14th amendment rights and my 1st Constitutional rights to privacy, reputation, remedy, and due process.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I suffered severe emotional and physical distress, negligently and intentionally inflicted by the police officers, sheriff's deputies and prosecutors involved. I spent four or five weeks worried I had picked up something in the jail, the stress has caused two heart attacks and permanent heart damage as a result of the heart attacks - the first of which occurred just days after being charged via a ticket sent in the mail. I had no previous history of heart problems. In addition I suffer from PTSD from being handcuffed and shackled while battling Stage 4 breast cancer. I had been diagnosed on 4/27/21 and was given 6-months to live, but managed to make it that far, only to be traumatized just 3-weeks after my first cancer surgery - surgery I was told I was never going to be able to have. Now, as I try to live with cancer, I have severe coronary artery disease from all this stress, not to mention damage to my reputation, thousands of dollars in court costs and fines, loss of driver's license for a year, and more. I am suing for pain and suffering, actual damages and punitive damages, as well as injunctive relief against David Sunday so that no other person, let alone a cancer patient, has to endure the ordeal I am living on a daily basis as a result of the illegal traffic stop and violation of my Constitutional Rights. I could have died right there in the jail and no one would have known what was wrong because Officer Eiker hid my illness from everyone, including on the prisoner transport form. She did not care how sick I was, she was not going to stop or let me go until I submitted to a warrantless blood draw because she knew that under the facts and circumstances she would not be able to obtain a warrant. She also knew that the D.A. would charge based on an unconstitutionally obtained blood test. She had to have a DUI arrest in order for the county to receive its federal funding and to justify her overtime for the DUI sting. Also, I am fully disabled under the ADA and told then so and was refused accommodation of masking and social distancing. Conditions were unsanitary and squalid.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want to be awarded actual and punitive damages for pain and suffering, negligent and intentional infliction of emotional distress, loss of privacy and reputation, actual damages for medical issues, punitive damages, and injunctive relief preventing police in York County from forcing warrantless blood draws, injunctive relief preventing the York County D.A. from prosecuting DUI's where the only evidence is blood test results from an unconstitutionally obtained blood draw. I am seeking more than \$50,000.00. Actual medical bills have yet to be determined. I had no history of heart problems prior to this unlawful arrest and search and seizure. Now, I must undergo heart surgery and am being treated for PTSD related to this traumatic event and the ~~12~~¹² 12-month long stress of court where I was convicted without the blood test when Officer Eiker continued to lie under oath under questioning from Asst. D.A. Justin Baron, Esq. who had a non-waivable conflict of interest known to D.A. Sunday and who led about it to me and the court. All officers involved violated their oaths of office to uphold the Constitution - at my personal expense. I am also seeking training of police and sheriff's deputies in handling disabled persons prone to infection during a pandemic and in transporting cancer patients to a hospital - not a jail! Also "phlebotomists" must have some medical training!

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/16/2024

Signature of Plaintiff

Printed Name of Plaintiff

Elaine Ettorre

"Pro Se"

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address